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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,560	09/01/2005	Stefano Cevenini	331.1087	1194
23280	7590	03/21/2008		
Davidson, Davidson & Kappel, LLC 485 7th Avenue 14th Floor New York, NY 10018			EXAMINER IZAGUIRRE, ISMAEL	
			ART UNIT	PAPER NUMBER
			3765	
			MAIL DATE	DELIVERY MODE
			03/21/2008 PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/523,560

**Applicant(s)**

CEVENINI ET AL.

**Examiner**

Ismael Izaguirre

**Art Unit**

3765

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-18 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22 is/are allowed.
- 6) ☒ Claim(s) 10, 14, 18, 20 and 21 is/are rejected.
- 7) ☒ Claim(s) 11-13 and 15-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The examiner is appreciative of the changes made to the language of the claims. These have been duly noted and considered.

### **CLAIMS**

#### **Summary**

Claim 1, 20 and 22 are the independent claims under consideration in this Office action.

Claims 11-18 and 21 are the dependent claims under consideration in this Office action.

#### **Claim Rejections - 35 U.S.C. § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10, 14, 18 and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Pruden (1,891,179) which is a document of record.

Pruden teaches a heat resistant ironing board cover and discloses the method for making and placing it on an ironing board. The cover comprises a cover material 14 and a padding material 11 located underneath the cover material. The cover material and underlying pad is placeable onto an ironing board 10 where it is form-fittingly connectable to the ironing board via the padding as the padding contacts the ironing

board on the top, sides and on the bottom surface of the board. The pad and cover are taught as bulging around the side edges and on the bottom surface of the ironing board for keeping the ironing board cover in place.

### **Remarks**

Applicants emphasized in their response to the previous Office action that there is a requirement that the pad be elastic. The pad of Pruden is taught as being formed of asbestos which has good thermal properties and has some inherent elastic properties. Applicant also emphasized that the padding should be "form-fitting" onto the ironing board. The claims include no further definition as to what "form-fitting" intends other than the usual meaning of a cover and padding which fit onto an ironing board in an intimate fashion, without substantial spacing, or separations between the padding and the ironing board surface. Accordingly, Pruden is form-fitted onto the board and is applicable to the claims as noted above.

Claims 10, 14, 18 and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Leonard (2,554,111) which is a newly found document.

Leonard teaches a heat resistant ironing board cover and teaches the method for forming and mounting it on an ironing board. The cover comprises a cover material 49 and a padding material 48 located underneath the cover material. The cover material is placeable onto an ironing board 43 where it is form-fittingly connectable to the ironing board via the padding as the padding contacts the ironing board on the top, sides and on the bottom surface of the board. The pad and cover are taught as bulging around

the side edges and on the bottom surface of the ironing board for keeping the ironing board cover in place.

### **Remarks**

Applicants emphasized in their response to the previous Office action that there is a requirement that the pad be elastic. The pad of Leonard is taught as being formed of any suitable material which would be one desired as having elasticity. Applicant also emphasized that the padding should be "form-fitting" onto the ironing board. The claims include no further definition as to what "form-fitting" intends other than the usual meaning of a cover and padding which fit onto an ironing board in an intimate fashion, without substantial spacing, or separations between the padding and the ironing board surface. Accordingly, Leonard is form-fitted onto the board and is applicable to the claims as noted above.

Claims 10, 14, 18 and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Adilleta et al. (3,324,584) which is a newly found document.

Adilleta et al. teach a heat resistant ironing board cover and teaches the method for forming and mounting it on an ironing board. The cover comprises a cover material 22 and a padding material 20 located underneath the cover material. The cover material is placeable onto an ironing board 27 where it is form-fittingly connectable to the ironing board via the padding as the padding contacts the ironing board on the top, sides and on the bottom surface of the board (See figure 5 and column 2, lines 60-67). The pad and cover are taught as bulging around the side edges and on the bottom surface of the ironing board for keeping the ironing board cover in place.

### **Remarks**

Applicants emphasized in their response to the previous Office action that there is a requirement that the pad be elastic. The pad of Adilleta et al. is taught as being formed of a cotton padding such as a waffle pad, which would inherently have elastic properties. Applicant also emphasized that the padding should be "form-fitting" onto the ironing board. The claims include no further definition as to what "form-fitting" intends other than the usual meaning of a cover and padding which fit onto an ironing board in an intimate fashion, without substantial spacing, or separations between the padding and the ironing board surface. Accordingly, Adilleta et al. is form-fitted onto the board and is applicable to the claims as noted above.

Claims 10, 14, 18, 20 and 21 are rejected under 35 U.S.C. § 102(b) as being anticipated by Musker (43,700) which is a document applied in the previous Office action.

Musker teaches a heat resistant ironing board cover and teaches the method for forming and mounting it on an ironing board. The cover comprises a cover material and a layer of padding at least 3 millimeters thick (page 2, line 15) located underneath the cover material. The cover material with the underlying pad is placeable onto an ironing board where it is form-fittingly connectable to the ironing board via the padding by heat pressing the adhesive on the padding. The adhesive is sprayed onto the padding and this is bonded to the ironing board on the top (page 2, lines 33-35) and then the board is turned on its side and the press is again placed for heating the cover and padding for molding the padding on the side edges (lines 37-38) and then the board is upturned and

"ironed" for bonding the cover and padding to the underside of the ironing board (page 3, lines 1-5). The cover and pad are provided so as to match the contour of the board and placed in a bulging manner on the edges and a form fitting manner all around.

### **Remarks**

Applicants emphasized in their response to the previous Office action that there is a requirement that the pad be elastic. The pad of Musker is taught as being formed of resilient foam, which would inherently have elastic properties. Applicant also emphasized that the padding should be "form-fitting" onto the ironing board. The claims include no further definition as to what "form-fitting" intends other than the usual meaning of a cover and padding which fit onto an ironing board in an intimate fashion, without substantial spacing, or separations between the padding and the ironing board surface. Accordingly, Musker remains applicable.

Musker was applied in the previous Office action as applicable to only claim 10. The examiner regrets any inconvenience that this new reading of Musker may present. Clearly, this document is applicable to more claims than originally thought, including previous claim 19, which was indicated as allowable in view of Musker.

### **ALLOWABLE SUBJECT MATTER**

Claim 22 is allowable over the art of record.

Claims 11-13 and 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **PERTINENT CITATIONS**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Finck, Sundby, Topliffe, Hitchcock et al. and Jones illustrate ironing board covers including padding in intimate contact with the ironing boards and wrapping or bulging to an underside of the ironing boards.

### **INQUIRIES**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Izaguirre whose telephone number is (571) 272-4987. The examiner can normally be reached on M-F (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ismael Izaguirre/  
Primary Examiner, Art Unit 3765

II  
3/26/2008